

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW PEACH,

Plaintiff,

25-cv-5191 (PKC)

-against-

ORDER

TOMMY BOY ENTERTAINMENT, LLC, d/b/a
TOMMY BOY DISTRIBUTION and DAVID
PARKER,

Defendants.

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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

The Complaint asserts subject matter jurisdiction based on diversity of citizenship. (Compl't ¶ 9.) "It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record." Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc., 87 F.3d 44, 47 (2d Cir. 1996). "It is axiomatic that diversity jurisdiction is available only when all adverse parties to a litigation are completely diverse in their citizenships." Washington Nat'l Ins. Co. v. OBEX Grp. LLC, 958 F.3d 126, 133 (2d Cir. 2020) (quotation marks omitted).

Where a complaint premised upon diversity of citizenship names a limited liability company as a party, it must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business

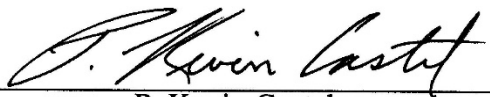
of any corporate entities that are members of the limited liability company. See Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc., 943 F.3d 613, 615 (2d Cir. 2019).

The Complaint asserts that defendant Tommy Boy Entertainment, LLC d/b/a Tommy Boy Distribution is a limited liability company organized under Delaware law with a principal place of business in New York. (Compl't ¶ 7.) It does not identify the citizenship of any members of the limited liability company.

Within fourteen (14) days of this Order, plaintiff may serve a single interrogatory upon Tommy Boy Entertainment, LLC as to the citizenship of all natural persons who are its members, and if any corporation is a member, the jurisdiction under whose laws it is incorporated and the principal place of business. The defendant shall serve its response to the interrogatory within fourteen (14) days.

Within forty-five (45) days of this Order, the plaintiff shall amend its complaint to correct the jurisdictional deficiencies by truthfully and accurately alleging the citizenship of the defendant limited liability company. If, by this date, plaintiff fails to allege complete diversity of citizenship, the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
June 24, 2025